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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,598

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12/13/2007

EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,598	<b>Applicant(s)</b> SHEN ET AL.	
	<b>Examiner</b> Hanh V. Tran	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10-13, 18-20, 24-28 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 18-20, 24-28 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. This Office action is in response to the Response filed on 9/13/2007.

#### ***Election/Restrictions***

2. Applicant's election without traverse of Invention I (claims 1-5, and 10-13) in the reply filed on 9/13/2007 is acknowledged.
3. Claims 18-20, 24-28, and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/13/2007.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10, line 16-17, the limitation of the shim "is machined from said pallet base to reconfigure said pallet" is vague and indefinite for failing to clearly define the metes and bounds of the term "machined". It is not clear what the term represents.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-3, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,987,765 to Sola et al.

Sola '765 discloses a reconfigurable pallet that is reconfigurable to support a first structure and reconfigurable to support a second structure comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a pallet base 2; and a plurality of modular stanchions 11 that are secured to said pallet base 2 and that are selectively positionable along x and y axes relative to a top surface of said pallet base, said modular stanchions 11 each including a support element that has a height along a z axis that is transverse to said x and y axes, said support element supporting said structure, wherein said support element is movable along said z axis to adjust said height; wherein said stanchion base is secured to the pallet base by 2 in any known manner such as magnetic air-cushion-release means or mechanical anchoring means (col. 2, lines 58-63). The differences being that Sola '765 does not disclose the

limitation in claims 1 and 10 of the modular stanchions adhesively bonded to the pallet base using a bonding pack which includes a shim that enables the modular stanchion to be removed from the pallet base, the shim coupled to the bottom of the stanchion base via a quick de-bonding adhesive layer, and a quick-bonding adhesive layer providing an interfacial joint between said modular stanchion and the pallet base, wherein said stanchion base and said shim are electrically conductive such that said stanchion base is removable from said shim by application of an electric current to said modular stanchion.

In regard to the modular stanchions adhesively secured to the pallet base by an adhesive layer using a bonding pack, which includes a shim that enables the modular stanchion to be removed from the pallet base, the shim coupled to the bottom of the stanchion base via a quick de-bonding adhesive layer, and a quick-bonding adhesive layer providing an interfacial joint between said modular stanchion and the pallet base, wherein said stanchion base and said shim are electrically conductive such that said stanchion base is removable from said shim by application of an electric current to said modular stanchion, it is well known in the art, as a matter of engineering choice, to use various, well known to be equivalent and commercially available securing means, such as screws, bolts, nails, magnets and adhesive layer to secure one object to another; therefore, it would have been obvious and well within the level of one skill in the art to modify the structure of Sola '765 by having the modular stanchions secured to the pallet base by a well known securing means, such as an adhesive layer using a bonding pack, which includes a shim that enables the modular stanchion to be removed from the pallet

base, the shim coupled to the bottom of the stanchion base via a quick de-bonding adhesive layer, and a quick-bonding adhesive layer providing an interfacial joint between said modular stanchion and the pallet base, wherein said stanchion base and said shim are electrically conductive such that said stanchion base is removable from said shim by application of an electric current to said modular stanchion.

9. Claims 4-5, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sola, as modified, as applied to claims 1 and 10 above, and further in view of USP 5,837,901 to Sola et al.

Sola '765 discloses all the elements as discussed above except for the limitations in claims 4-5 and 12-13 of the stanchion further comprising a support cylinder selectively actuated to move the support element to a position along said z axis, and a hydraulic pump in fluid communication with said support cylinder and operable to adjust a hydraulic pressure within the support cylinder to move the support element along the z axis.

Sola '901 teaches the idea of using a support fluid cylinder in order to facilitate raising the height of the support element. Therefore, it would have been obvious, in view of Sola '901, to modify the structure of Sola '765 by providing a support fluid cylinder in order to facilitate raising the height of the support element. Further, since it is well known in the art to use either hydraulic or pneumatic to raise the support element, it would have been obvious and well within the level of one skill in the art to modify the structure of Sola '765 by providing a hydraulic pump in fluid communication with said

support cylinder and operable to adjust a hydraulic pressure within the support cylinder to move the support element along the z axis.

### ***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

11. In response to applicant's argument on page 15 that Sola is non-analogous as it is drawn to measurement equipment as opposed to manufacturing equipment, the examiner takes the position that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both are drawn to a device for comprising a plurality of modular stanchions secured to a base for supporting article thereon, thus being reasonably pertinent to the particular problem with which the applicant was concerned.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*  
December 07, 2007

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